

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Arizona State Legislature, et al.,

Plaintiffs,

v.

Joseph R Biden, Jr., et al.,

Defendants.

No. CV-24-08026-PCT-SMM

ORDER

This matter is before the Court on the Joint Motion to Amend Briefing Schedule. (Doc. 53). For the reasons stated below, the Court denies the Joint Motion.

The parties seek for the Court to set a briefing schedule which would delay briefing on the present Rule 12(b)(1) Motion to Dismiss filed by the Government, (Doc. 49), until Plaintiffs have filed a motion for summary judgment. Pursuant to the schedule, Plaintiffs would have until August 9, 2024 to file both a response to the Motion to Dismiss and a motion for summary judgment on their claims. (Doc. 53 at 2).

Defendants' Rule 12(b)(1) Motion to Dismiss, filed on June 3, 2024, squarely raises the issue of Plaintiffs' standing to bring this action. (Doc. 49 at 2). Standing is a constitutional requirement that is determinative as to the justiciability of this action. See Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc., 454 U.S. 464, 471 (1982) ("[T]his Court has always required that a litigant have standing to challenge the action sought to be adjudicated in the lawsuit.") (internal quotation marks omitted). While the Court appreciates that this case presents unusual legal and procedural

1 issues, the Court finds it appropriate to resolve the Government's 12(b)(1) Motion to
2 Dismiss before the parties substantially expand the issues on motion before the Court by
3 way of an early motion for summary judgment. Proliferating the issues on motion to
4 include the merits of this action when the threshold issue of justiciability is in question is
5 not conducive to conserving the Court's resources; as such, the Court denies the Joint
6 Motion. (Doc. 53).

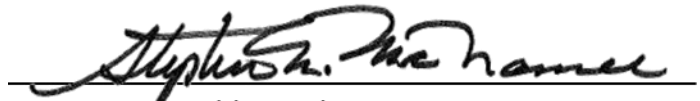
7 Because the Court denies the Joint Motion, the Court will grant Plaintiffs an
8 extension of time to file a Response to the pending Motion to Dismiss. Plaintiffs must file
9 a Response to the Motion to Dismiss on or by July 12, 2024.

10 Accordingly,

11 **IT IS ORDERED denying** the Joint Motion. (Doc. 53).

12 **IT IS FURTHER ORDERED allowing** Plaintiffs up to and including July 12,
13 2024 to respond to the Government's Motion to Dismiss. (Doc. 49).

14 Dated this 21st day of June, 2024.

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17 Honorable Stephen M. McNamee
18 Senior United States District Judge
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